

REMARKS

Applicant respectfully requests entry and consideration of the above amendments even though presented after a final rejection. Applicant submits that the amendments do not raise new issues or require a new search. Further, entry and consideration of the amendments may isolate issues for potential allowance or appeal. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Summary

Claims 1-20 stand in this application. Claims 1, 2, 7, 15 and 19 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 2, 7, 15 and 19 in order to facilitate prosecution on the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims.

35 U.S.C. § 102

At page 2, paragraph 4 of the Office Action claims 1 and 15-16 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Number 6,917,186 to Klippe et al. ("Klippe"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See MPEP § 2131*, for example. Applicant submits that Klippel fails to teach each and every element recited in amended claims 1 and 15-16 and thus they define over Klippel. For example, with respect to amended independent claim 1, Klippel fails to teach, among other things, the following language:

a control circuit to receive as input a power status signal and a software event signal

The above recited language was previously contained in dependent claims 2 and 19. The § 103 rejection with respect to these dependent claims will be addressed below. However, with respect to the anticipation rejection, as correctly noted in the Office Action on pages 3-4, “Klippel does not discuss the input as a software event.... Klippel is silent on the implementation and generation of the control signal as a software event.” Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1.

Claim 15 has been amended to recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 15 is not anticipated and is patentable over Klippel for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 15. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claim 16 that depends from claim 15, and therefore contains additional features that further distinguishes this claim from Klippel.

35 U.S.C. § 103

At page 3, paragraph 3 of the Office Action claims 2-4 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Klippel. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits that claims 2-4 and 17-20 depend from claims 1 and 15 respectively. Applicant has amended independent claims 1 and 15 to include language previously contained in dependent claims 2 and 19. Therefore, the § 103 rejection with respect to claims 2-4 and 17-20 will be addressed below with respect to claims 1 and 15.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office

Action has not established a *prima facie* case of obviousness because the cited reference fails to teach or suggest every element recited in claims 1 and 15. Therefore claims 1 and 15 define over Klippel. For example, claim 1 recites the following language, in relevant part:

a control circuit to receive as input a power status signal
and a software event signal

As correctly noted in the Office Action on pages 3-4, the above-recited language is not disclosed by Klippel. According to the Office Action, “it would have been obvious to one of ordinary skill in the art at the time of the invention to use suitable software or hardware event or condition to send the control signal in order to reduce cost or update and change monitoring parameters.” Applicant respectfully disagrees.

Applicant respectfully submits that it would not have been obvious to have a control circuit that receives both a power status signal and a software signal. The specification at page 11, paragraph 0026 states: “The software event signal may originate from an application program executing on a host processor for shelf 106 or a processor on one of boards 1-N. The application program may generate the software signal automatically on detection of a power interruption to shelf 106 or a CMM. The application program may also generate the software signal in response to instructions from a user via, for example, a management user interface.” Applicant respectfully submits that providing a software event signal to a control circuit along with a power status signal provides new and unexpected results not anticipated by Klippel, and therefore, would not have been obvious at the time of the invention. Therefore, Klippel fails to disclose, teach

or suggest the missing language. Consequently, Klippel fails to disclose, teach or suggest every element recited in claim 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See MPEP § 2143.03*, for example. Accordingly, claims 2-4 are non-obvious and patentable over Klippel at least on the basis of their dependency from claim 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Claim 15 has been amended to recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 15 is not obvious and is patentable over Klippel for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 16 that depends from claim 15, and therefore contains additional features that further distinguishes this claim from Klippel.

At page 4, paragraph 4 of the Office Action claims 5-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Klippel in view of U.S. Patent Number 7,026,646 to Cowles et al. (“Cowles”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See MPEP § 2143.03*, for example. Claims 5-6 depend from claim 1. As recited above, Klippel fails to teach, suggest or disclose each and every element recited in independent claim 1. Furthermore, Applicant respectfully submits that Cowles also fails to disclose the missing language. Applicant respectfully submits that Cowles is relied on to only teach a

normally open logic. Accordingly, claims 5-6 are non-obvious and patentable over Klippel and Cowles, taken alone or in combination, at least on the basis of their dependency from claim 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

At page 5, paragraph 3 of the Office Action claims 7-8 and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,175,490 to Papa et al. (“Papa”) in view of U.S. Patent Number 5,892,299 to Siewert et al. (“Siewert”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references fail to teach or suggest every element recited in claims 7-8 and 10-11. Therefore claims 7-8 and 10-11 define over Papa and Siewert, taken alone or in combination. For example, amended independent claim 7 recites the following language, in relevant part:

wherein said management module comprises an isolation circuit to isolate said shelf component signals upon detection of a power interruption from one or more power supplies to one of said shelf components.

As correctly noted in the Office Action, the above-recited language is not disclosed by Papa. According to the Office Action, the missing language is disclosed by Siewert at figure 12, and column 11, lines 64-65. Applicant respectfully disagrees. Siewert at column 11, line 59 through column 12, line 14, in relevant part, states:

Another regulation loop is presented in Block Diagram 1200. This loop regulates SPSS Power Bus 1210, and consists of Sense Connection Path 1290, Control Unit 1260, Control/Status Path 1280 and Control/Status Path 1270. Control/Status Path 1270 and Control/Status Path 1280 route power conditioner status, such as on-off line and current draw, to Control Unit 1260, and route regulation control signals from Control Unit 1260 to Power Conditioner 400. Sense Connection Path 1290 routes a sample of the voltage at SPSS Power Bus 1210 to Control Unit 1260. Control Unit 1260 operates in a manner determined by system performance requirements. The SPSS can regulate the voltage present on SPSS Power Bus 1210 by controlling a Power Conditioner 400 or combination of Power Conditioners 400 which are supplying power to SPSS Power Bus 1210.

By way of contrast, the claimed subject matter teaches a management module with “an isolation circuit to isolate said shelf component signals upon detection of a power interruption from one or more power supplies to one of said shelf components.”

Applicant respectfully submits that Siewert fails to disclose, teach or suggest the missing language. Siewert, arguably, teaches a control unit capable of routing a power control signal based on a sample of the voltage and system performance requirements. Applicant respectfully submits that Siewert fails to teach isolation of signals between electrical components. In contrast, claim 7 recites “said management module comprises an isolation circuit to isolate said shelf component signals....” Again, Siewert fails to teach, suggest or disclose isolation of the “shelf component signals.” Rather, Siewert teaches isolation of the power signal. Therefore, Siewert fails to disclose, teach or suggest the missing language. Consequently Papa and Siewert, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 7.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See MPEP § 2143.03*, for example. Accordingly, removal of the obviousness rejection with respect to claim 7 is respectfully requested. Claims 8 and 10-11 also are non-obvious and patentable over Papa and Siewert taken alone or in combination, at least on the basis of their dependency from claim 7. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

At page 6, paragraph 4 of the Office Action claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Papa in view of Siewert and further in view of Cowles. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See MPEP § 2143.03*, for example. Claim 9 depends from claim 7. As recited above, Papa and Siewert fail to teach, suggest or disclose each and every element recited in independent claim 7. Furthermore, Applicant respectfully submits that Cowles also fails to disclose the missing language. Applicant respectfully submits that Cowles is relied on to only teach a normally open logic. Accordingly, claim 9 is non-obvious and patentable over Papa, Siewert and Cowles, taken alone or in combination, at least on the basis of its dependency from claim 7. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to this dependent claim.

At page 7, paragraph 2 of the Office Action claims 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Siewert in view of U.S. Patent Number

6,789,871 to Edelen et al. ("Edelen"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 12-14. Therefore claims 12-14 define over Papa, Siewert and Edelen, taken alone or in combination. For example, claim 12 recites the following language, in relevant part: remove said current from each

switch to isolate said component signals from said external modules

According to the Office Action, the missing language is disclosed by Siewert at figure 12 and column 11, lines 64-65. Applicant respectfully disagrees.

As recited above in relation to amended independent claim 7, applicant respectfully submits that Siewert fails to teach suggest or disclose isolation of component signals. Rather, Siewert teaches isolation of the power signal. Therefore, for reasons analogous to those presented above with respect to claim 7, Applicant submits that Siewert fails to disclose, teach or suggest the missing language. Furthermore, Applicant respectfully submits that Edelen fails to disclose teach, or suggest the missing language. Consequently, Siewert and Edelen, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 12.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See MPEP § 2143.03*, for example. Accordingly, removal of the obviousness rejection with respect to claim 12 is respectfully requested. Claims 13-14 also are non-obvious and patentable over Papa, Siewert and Edelen, taken alone or in combination, at least on the basis of their dependency from claim 12. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

For at least the reasons given above, claims 1-20 are non-obvious and represent patentable subject matter in view of the cited references, whether taken alone or in combination. Accordingly, removal of the obviousness rejection with respect to claims 1-20 is respectfully requested. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

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Examiner: Rutland Wallis, Michael
TC/A.U. 2835

It is believed that claims 1-20 are in allowable form. Accordingly, a timely
Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if
such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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4500 Brooktree Road, Suite 102
Wexford, PA 15090
(724) 933-5529